

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BILL COADY, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

ITRON, INC., MALCOLM UNSWORTH,  
and STEVEN M. HELMBRECHT,

Defendants.

No. CV-11-0077-RMP

NOTICE SETTING TELEPHONIC  
SCHEDULING CONFERENCE

**Telephonic Scheduling Conference**

**Date: April 28, 2011 at 9:45 A.M.**

**PLEASE TAKE NOTICE** that a scheduling conference will be held on the date and time noted above. The conference shall be held telephonically, with **the parties to dial the court's toll-free conference line 888-363-4749 at the time scheduled. You will be prompted to enter the following: Access Code 4939688 and Security Code 0077.** PLEASE LISTEN CAREFULLY AND FOLLOW THE AUTOMATED INSTRUCTIONS SO THAT YOU CAN BE ADDED TO THE CONFERENCE IN A TIMELY MANNER.

The provisions of Fed. R. Civ. P. 26 apply. The parties shall confer at least **fourteen (14) days** in advance of the scheduling conference with respect to the following issues:

- A. Service of process on parties not yet served;
- B. Jurisdiction and venue;
- C. Anticipated motions;
- D. The nature and basis of their claims and defenses and the possibilities for a

1 settlement of the case. The parties should also arrange for the disclosures  
 2 required under Fed. R. Civ. P 26(a)(1), and develop a proposed discovery  
 3 plan.

4 On or before April 19, 2011, the parties shall file the following:

5 **1. Consent Form:** The parties shall complete the attached [Consent Form](#) and  
 6 return it to the Clerk of the Court, as instructed, advising whether the parties consent that  
 7 this case may be tried by a United States Magistrate Judge. See 28 U.S.C. § 636 as  
 8 amended; **and**

9 **2. Proposed Discovery Plan:** The parties shall file a Proposed Discovery Plan as  
 10 discussed in Fed. R. Civ. P. 26(f). This plan shall include the disclosures required under  
 11 Rule 26(a)(1); **and**

12 **3. Joint Status Certificate:** The parties shall file a Joint Status Certificate (or  
 13 separate certificates if necessary), reflecting the results of their conference and the  
 14 parties' position with respect to each subject of this order, **and**

15 **4. Statement Identifying Corporate Information:** Any non-governmental  
 16 corporate party to this action shall file a statement identifying all its parent corporations  
 17 and listing any publicly held company that owns 10% or more of the party's stock.  
 18 Counsel have an ongoing responsibility to supplement this information; **and**

19 **5. Guardian ad litem:** If the case involves a beneficial interest claim of a minor  
 20 or incompetent, the plaintiff shall petition the Court, and obtain appointment by the  
 21 Court, of an independent guardian ad litem to represent the interest of the ward.

### 22 **Scheduling Conference**

23 The parties should be prepared to discuss at the scheduling conference the  
 24 following topics:

- 25 A. The discovery plan, as well as the parties' recommended trial date and  
 26 length of trial;

- 1 B. The appropriateness of special procedures, such as consolidation of actions  
2 for discovery or pretrial, reference to a master or magistrate, to arbitration,  
3 to the Judicial Panel on Multi-district Litigation, or application of the  
4 procedures included in the Manual for Complex Litigation;  
5 C. Modification of the standard pretrial procedures due to the relative  
6 simplicity or complexity of the action or proceeding;  
7 D. Feasibility of bifurcation, or otherwise structuring sequence of the trial;  
8 E. The prospects of settlement addressing whether there will be a point in the  
9 litigation, short of discovery cut-off, when the parties can conduct  
10 meaningful settlement discussions or participate in another form of  
11 alternative dispute resolution;  
12 F. Identify any issues that should be certified to the state Supreme Court;  
13 G. Any other matters which may be conducive to the just, efficient, and  
14 economical determination of the action or proceeding, including the  
15 definition or limitation of issues.

16 **Counsel are expected to comply with the spirit of Rule 26 and seek to**  
17 **minimize the time and expense of discovery.**

18 **DATED** this 10<sup>th</sup> day of March, 2011.

19 JAMES R. LARSEN  
20 DISTRICT COURT CLERK

21 s/Cindy Parks  
22 Deputy Clerk  
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